

REMARKS

Initially, applicant would like to express his appreciation to Examiner Quynh H. Nguyen for the courtesies extended to attorney James Milton during a telephone conversation on September 8, 2008. The telephone conversation involved a discussion of the rejection of claim 20 under 35 U.S.C. § 101. Examiner Nguyen stated that the rejection under 35 U.S.C. § 101 could be overcome by amending claim 20 to indicate a "tangible" computer readable medium.

Claims 1-22 are pending in the application. Claim 20 was rejected under 35 U.S.C. § 101. Claims 1-14 and 17-20 were rejected under 35 U.S.C. § 103 (a). Claims 15-16 were objected to.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 15-16 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has elected to rewrite claims 15-16 in independent form including all of the limitations of the base claim and any intervening claims.

Rejection Under 35 U.S.C. § 101

Claim 20 was rejected under 35 U.S.C. § 101 because the Office Action states that the invention is directed to non-statutory subjected matter.

Applicant has responded by amending claim 20 to include the term "tangible" per the suggestion of the Examiner.

Rejection Under 35 U.S.C. § 103 (a)

Claims 1-14, and 17-20 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2005/0033684 issued to Benedyk et al. dated February 10, 2005 in view of U. S. Patent Number 6,792,102 issued to Shires on September 14, 2004.

Applicant respectfully traverses this ground of rejection for the following reasons.

First, applicant's claim 1 recites,

"an intermediate application server component that provides one or more services to one or more telephony devices on a call through employment of one or more data streams associated with the call;

one or more user-related application server components coupled to the intermediate application server component to establish the one or more data streams; and
a conference bridge component coupled to the intermediate application server component.

As stated in the Final Office Action, Benedyk does not teach or suggest "a conference bridge component coupled to the intermediate application server component". Moreover, applicant notes that Shires does not teach or suggest the limitation either. Instead, Shires discloses a Telephony server 120 that bridges a phone call between the agent at the agent station 160 and the user for the call-back, as stated in column 4, lines 12-15. However, Shires' phone call bridge 1060 (See FIG. 10) is a component within Telephony server 120 rather than a separate conference bridge component coupled to an intermediate application server. See column 8, lines 62-66 and FIG. 10. Thus, Shires, similar to Benedyk, is missing the "conference bridge component coupled to the intermediate application server component" elements, as recited in applicant's claim 1.

Also, the Examiner asserts that phone call bridge 1060 couples to component 1030 and component 1050, or indirectly to component 1080 which couples Brower server 150. Applicant notes that component 1030, component 1050 and component 1080 are elements within Telephony server 120. See FIG. 10. However, phone call bridge 1060 does not indirectly couple component 1080 as asserted by the Examiner, because Shires does not disclose connections between phone call bridge 1060 and component 1080 or a signal path from phone call bridge 1060 to component 1080. Note that FIG. 10 shows a signal path from phone call bridge 1060 to Call-back 540 and a signal path from component 1080 to Brower server 150. However, signals do not flow from phone call bridge 1060 to component 1080 or vice versa. Again, Shires, similar to Benedyk, is missing the "conference bridge component coupled to the intermediate application server component" elements, as recited in applicant's claim 1.

Second, the proposed combination of Benedyk with Shires fails to teach applicant's claim 1, because applicant's claim 1 requires the use of only one intermediate application server component. By contrast, the Examiner proposes to use two different types of application servers in order to achieve applicants' claim 1. In particular, the Examiner proposes to use 1) Benedyk's Central Transaction Server 108 and 2) Shires' Browser server 150 or Telephony server 120. However, there is no way to combine these two devices so as to form applicant's recited "conference bridge component coupled to the intermediate application server component".

Therefore the proposed combination of Benedyk and Shires does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-16 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claims 17 and 20 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination of Benedyk and Shires. For example, claims 17 and 20 recite "wherein at least one of the one or more portions of the intermediate network is an intermediate application server component coupled to a conference bridge component". The proposed combination of Benedyk and Shires does not teach or suggest this limitation for the above-mentioned reasons. Therefore, claims 17 and 20 are likewise allowable over the proposed combination. Since claims 18-19 depend from claim 17, these dependent claims are also allowable over the proposed combination.

New Claims

New claims 21-22 have been added. Claims 21-22 provide additional limitations directed to the intermediate application server component. No new matter has been added.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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Dated: October 22, 2008

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